

KINGMAN FIELD OFFICE SCOPING FORM

Proposal:

DOI-BLM-AZ-C010-2011-0015-CX

NEPA Document Number

RMP Implementation No.

S:/BLMshare/LANDS/BACKLOG/AZA28778/CX

Document Location

Land Description: T. 25 N., R. 15 W., sec. 6, T. 25 N., R. 16 W., sec. 2

Applicant: Western Wind Energy Corp.

Authorization: Right-of-way

INVOLVEMENT: Indicate in the left column which disciplines need to provide information into the EA.

Needed

Input (X)

Discipline

Signature

	Lands	
	Minerals	
	Range	
	Wild Horse and Burro	
	General Recreation	
X	Cultural and Paleontological Resources	/ s / Tim Watkins 01/24/2011
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
X	Wildlife	/ s / Rebecca L. Peck 01/18/2011
X	Threatened and Endangered Plants and Animals	/ s / Rebecca L. Peck 01/18/2011
X	Migratory Birds	/ s / Rebecca L. Peck 01/18/2011
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
	Visual Resources	
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer: / s / Andy Whitefield

Date: 01/18/2011

Environmental Coordinator: / s / David Brock

Date: 02/14/2011

Field Manager: / s / Jackie Neckels

Date: 01/14/2011

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Project Name

NEPA Number DOI- BLM-AZ-C010-2011-0015-CX

A. Background

BLM Office: Kingman Field Office

Lease/Serial/Case File No.: AZA 28778

Proposed Action Title/Type: Assignment of a right-of-way from Thomas Reingruber (Holder) to Western Wind Energy US Corporation (Applicant)

Location of Proposed Action: Hualapai Valley – G&SRM., T. 25 N., R. 15 W., sec. 6, Lots 1 & 4, T. 25 N., R. 16 W., sec. 2, Lots 1& 4.

Description of Proposed Action: Assignment of corner crossings road right-of-way AZA 28778 from/to the parties noted above. This right-of-way provides legal access to Applicant's property, formerly owned by the Holder. These are "standard" roadway corner crossings, 42 feet in width and extending 100 feet along section lines. This right-of-way expires on 5/29/2025.

B. Land Use Plan Conformance

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

LR13a/V All other minor rights-of-way would be evaluated through the environmental review process and granted or rejected on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(9); **Renewals and Assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations;**

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered the proposed action and with the terms and conditions of right-of-way AZA 28778 there would be no significant impacts which would result from the proposed assignment. Although the applicant is purportedly in the business of wind energy development, no power lines service the applicant's private property in sec. 3, T.

25 N., R. 16 W., G&SRM. Therefore, if the applicant desires to develop its property for wind energy development it would require approval of an additional right-of-way for a gen-tie if the property remains surrounded by public lands.

D. Signature

Authorizing Official: / s / John Reid *acting for Jackie Neckels* Date: 02/16/2011
(Signature)

Name: Jackie Neckels

Title: Assistant Field Manager, Non-Renewable Resources

Contact Person

For additional information concerning this CX review, contact Andy Whitefield, Environmental Protection Specialist, Kingman Field Office, 2755 Mission Blvd., Kingman, AZ 86401, or at phone number 928-718-3746.

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. The terms and conditions that the applicant would be bound by would preclude any significant effects on public health and safety from happening from the proposed assignment of the right-of-way.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No. No significant resources, characteristics, areas, rivers, landmarks, farmlands, wetlands, floodplains, or monuments exist within the area of the proposed action. Although right-of-way AZA 28778 exists in Hualapai Valley, of which its aquifer is a major supply of water for the City of Kingman and area residents, the assignment of this right-of-way would not significantly affect the aquifer. Term and condition 12 of Exhibit B of the right-of-way grant prohibits construction activities between May 1 and August 1, which should prevent disruption to migratory bird breeding and nesting.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No. No controversial environmental effects would be anticipated as a result of the proposed action nor are there any unresolved conflicts concerning alternative uses of available resources.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. This right-of-way has been in effect since 1995 and no significant environmental effects nor have unique or unknown environmental risks occurred as a result of it.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. In order to comply with the Kingman Resource Management Plan the proposed action and other similar realty actions must be handled on a case by case basis.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. It is not anticipated that the assignment of this right-of-way would significantly contribute to cumulative environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. No such properties are known to exist in the area of the proposed action or in its vicinity.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. No listed species or their habitat exists in the area of the proposed action or in its vicinity.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. No violations of laws protecting the environment are anticipated to result from the proposed action.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. The proposed action would affect all populations equally.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No. No such areas are known to exist in the area of the proposed action or in its vicinity.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No. Although non-native invasive species exist in the area of the proposed action, it is not anticipated the assignment of this right-of-way would contribute to their continued existence or spread.

Approval and Decision

Attachment 2

Compliance and assignment of responsibility: Lands and Realty

Monitoring and assignment of responsibility: Lands and Realty

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: / s / Andy Whitefield **Date:** 02/14/2011

**Andy Whitefield, Environmental
Protection Specialist
Project Lead**

Reviewed by: / s / David Brock **Date:** 02/14/2011

**Dave Brock
NEPA Coordinator**

Reviewed by: / s / Jackie Neckels **Date:** 02/14/2011

**Jackie Neckels
Assistant Field Manager, Non-
Renewable Resources
Supervisor**

Project Description: Assignment of corner crossings road right-of-way AZA 28778. This right-of-way provides legal access to private property. These are “standard” roadway corner crossings, 42 feet in width and extending 100 feet along section lines. This right-of-way expires on 5/29/2025.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

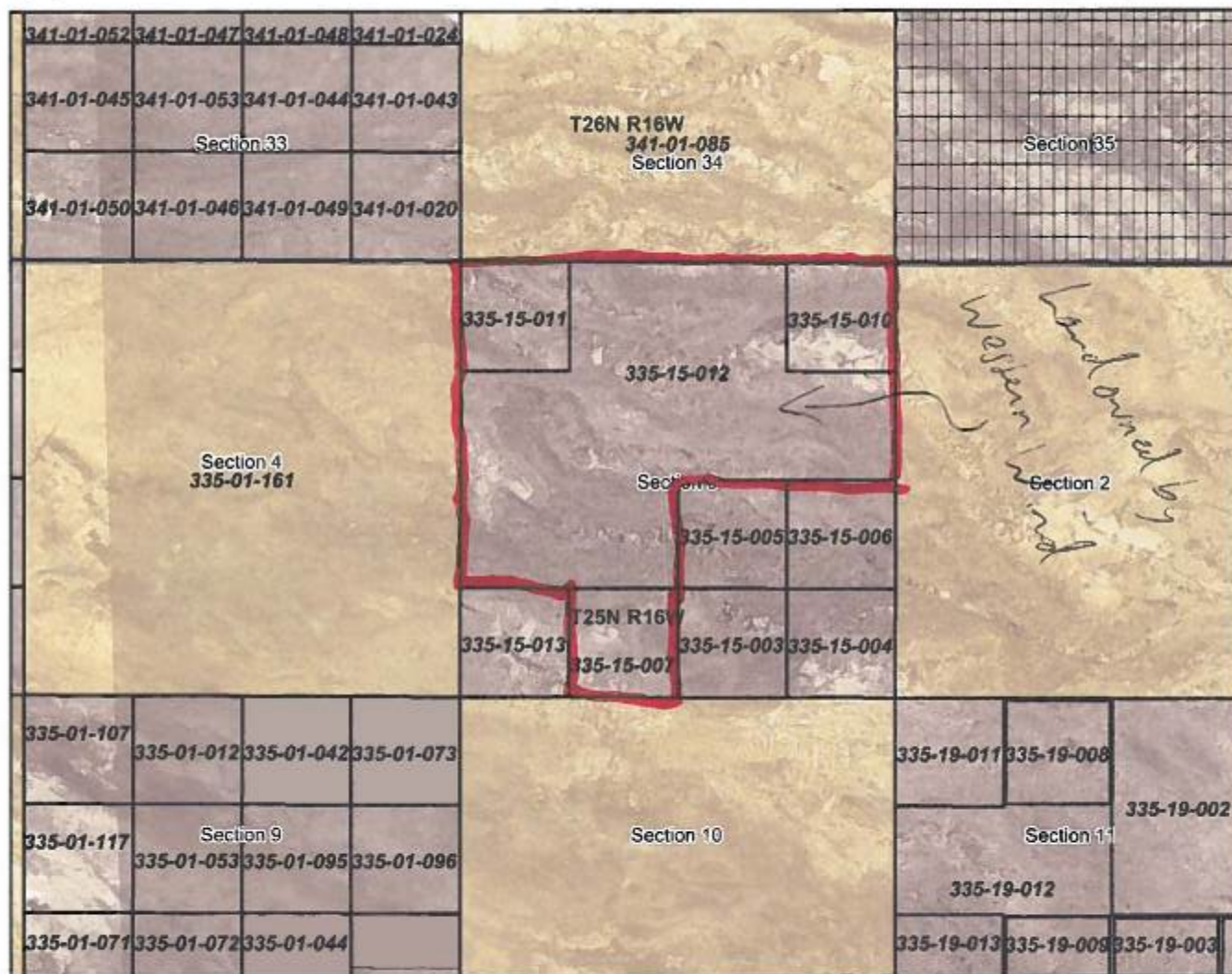
Approved By: / s / Jackie Neckels **Date:** 02/14/2011

**Jackie Neckels
Assistant Field Manager, Non-Renewable Resources**

Exhibits:

- 1) **Stipulations:** See attached right-of-way grant.

Mohave County Interactive Map Viewer



- Populated Places
- Incorporated Cities
- Centerline
- Railroads
- Tax Parcels
- 2
- 0
- Township/ Range
- Sections
- Federal Lands
- Indian Reservations BIA
- National Monument NPS/BLM
- National Park NPS
- National Recreation Area NPS
- Wilderness Area BLM
- Wilderness Study Area NPS
- Land Ownership
- Arizona Game and Fish
- AZ State Trust Land
- Bureau of Land Management
- Bureau of Reclamation
- National Wildlife Refuge
- Indian Allotments
- National Forest
- Military Reservation
- Parks and Recreation
- National Monument
- Waterbodies
- Intermittent
- Perennial
- 2007 0.4-ft Mohave Channel
- 2007 0.4-ft Valle Vista

0 2000 4000 ft.

Map created on: Jan 14, 2011

Map center: 35° 34' 55" N, 113° 58' 59" W

Scale: 1:24,000



This map is a user generated static output from Mohave County Interactive Map Viewer and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED AS A LEGAL DOCUMENT, FOR PROPERTY DESCRIPTIONS, OR DETERMINATION OF LEGAL TITLE, AND SHOULD NEVER BE SUBSTITUTED FOR SURVEY OR DEED INFORMATION. The user agrees to comply with the Limitation of Use, and Assumption of Risk as stated in the full disclaimer at: <http://mcmv.co.mohave.az.us/mv/sites/mohave/leasjsplaunch.jsp>

PROJECT COORDINATION

Agenda/Minutes

1:30 p.m.

January 18, 2011

Facilitator: Becky Peck
Marceau

Recorder: Tim Watkins

Timekeeper: Len

Agenda Items: Brief description, legal description, general location, name of presenter, time needed.

Rules: 90 minute meetings
No side conversations
Stick to time limits

Additional agenda items added at end of meeting if time permits

PAST DUE CLEARANCES: none

DECISION RECORDS TO BE DISCUSSED: none

NEPA LOG (update on each project in the log) at end of meeting:

PROJECTS:

1. Greenwood Community grazing transfer. (NEPA Number DOI-BLM-AZ-C010-2011-0014-CX). This allotment is located in T13, 14N, R12, 13W and south of Wikieup. Planning documents have this allotment classified as perennial/ephemeral. This is a name change only, the terms and conditions, livestock numbers, and grazing system remain the same. The current permittee, authorization #0201496, has entered into a base property lease transfer with the other permittee on the allotment, authorization #0202041. The 499 AUM's from this transfer will be in suspension until a future evaluation shows that an activation of all or part of these AUM's is warranted. Portions of the allotment are within Arrastra Mountain Wilderness. Preparing a CX, no known issues. Cultural: Tim Watkins, Wildlife: Ammon Wilhelm, Range: Dave Brock.

2. Also, a heads up on Stockton Hill allotment. They are going to clean out an old well spring development called the IXL well in the SE ¼ of SE ¼ of Section 22., Township 23N., Range 17W. Co op is 47 years old, hand dug well (75 feet deep, no casing) located there. Area needs to be "ground truthed". Windmill and trough were originally allowed there. Any questions come see Dave Brock. Tentative field visit to look at the area with biologist.

3. Proposed Right-of-way for a NOAA climate monitoring station 200 – 300 ft. off of road to Willow Beach Comm site in sec. 6, T. 27 N., R. 21 W. (see map). NOAA needs this at lower elevation than at the comm site to gather more accurate data for this area. The site would be equipped with a ten foot tall tower with antenna and data logger,

precipitation gage, and solar panel. These would be mounted on 3 ft., 1.5 ft., and 3 ft. dia. concrete pillars, respectively, poured on site by use of a concrete truck, but no grading of road necessary. These would be approx. 20 ft. apart in a triangular pattern. No vehicular access required after construction (tracks would be raked out and any other reclamation measures performed after construction). NOAA proposes that a fence be permitted around these in case it becomes necessary to protect the equipment. The right-of-way area would be 24 ft. X 24 ft. Term requested is 20 years w/right to renew. Propose to complete a CX for NEPA compliance. 30 day turnaround. Cultural: Tim Watkins, Wildlife: Ammon Wilhelm. Should be categorized under minor cost recovery.



4. Assignment of road right-of-way AZA 28778 for two road corner crossings in Hualapai Valley in NE and NW sec. 6 T. 25 N., R. 15 W., and NE and NW sec. 2, T. 25 N., R. 16 W. Widths of these are 42 ft. extending 100 ft. along section lines (roads are on private lands in checkerboard pattern). Applicant is Pacific Wind which now owns the private property the current holder had (and maybe others – 440 acres in sec. 3, T. 26 N., R. 16 W.). Pacific Wind was recently approved for meteorological tower construction (4 total) on public land. Propose to complete a CX for NEPA compliance. (Andy 15 mins.) Cultural: Tim Watkins, Wildlife: Becky Peck. 30 day turnaround time.

5. Oak Creek Wind Project. Lake Havasu Field Office is the lead agency. 5 met towers proposed between Boundary Cone Butte and Bullhead City in Mohave Valley. Met tower data will be retrieved remotely. 3 of these met towers are proposed for the Bullhead Bajada ACEC (tortoise and cultural). Proposed locations not located in grazing allotments or burro herd management areas. Overland travel routes to met

tower sites are also subject to Class III cultural survey. These are being covered under an EA. Looking at the 5 proposed locations to see if they are viable. Tribal consultation has been initiated. Comments from the tribes due by Jan. 25, 2011.

Attendees: Ammon Wilhelm, Len Marceau, Paul Hobbs, Andy Whitefield, Don McClure, Dave Brock, Jackie Neckels, Tim Watkins, Abe Clark, Sheri Ahrens, Lisa Stapp, Janice Stroud, Becky Peck.

Next meeting: Feb. 1, 2011, 10:30 am

Facilitator: Andy Whitefield

Recorder: Abe Clark

Timekeeper: Becky Peck

2800 (LLAZC01000)
AZA 28778

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DECISION

Western Wind Energy US Corporation	:	Right-of-Way
1326-885 West Georgia Street	:	AZA 28778
Box 1041, HSBC Building	:	
Vancouver, B.C., V6C 3E8	:	

Assignment Approved

On May 30, 1995, Right-of-Way AZA 28778 was granted to Thomas R. Riengruber for roadway corner crossings affecting the following described public land:

Gila and Salt River Meridian, Arizona

T. 25 N., R. 15 W.,
sec. 6, Lots 1, 4.

T. 25 N., R. 16 W.,
sec. 2, Lots 1, 4.

Containing 0.390 acres, more or less.

On July 6, 2010, an application was filed by Western Wind Energy US Corporation (Western Wind) for assignment of this right-of-way. Evidence of Thomas Riengruber's concurrence with this assignment has been received. In its request, Western Wind agrees to comply with and be bound by the terms and conditions of right-of-way grant AZA 28778.

Therefore, based on the above and in accordance with 43 CFR 2807.21 right-of-way grant AZA 28778 is hereby assigned from Thomas R. Riengruber to Western Wind. Enclosed is a copy of the right-of-way grant and an amendment correcting the legal description of the right-of-way for you records.

If you have any questions, please contact Andy Whitefield, at (928) 718-3746.

Jackie Neckels
Assistant Field Manager
Non-Renewable Resources

cc: Thomas Riengruber, w/o encl.



FORM 2800-14
(August 1985)

Issuing Office
Kingman Resource Area

UNITED STATES DEPARTMENT
OF THE INTERIOR BUREAU OF
LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA-28778

-
1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
 2. Nature of Interest:
 - a. By this instrument, the holder:

MR. Thomas R. Reingruber
2408 West Zafra Ct.
Las Vegas, NV 89102

receives a right to construct, operate, maintain, and terminate 4 corner crossings, on public lands described as follows:

Gila and Salt River Meridian, Arizona

T. 25 N., R 15 W.,
Sec. 6 NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 25 N., R. 16 W.,
Sec. 2 NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 - b. The right-of-way or permit area granted herein is 42 feet wide, 100 feet long at each of the 4 corner crossing and contains .390 acres, more or less.
 - c. This instrument shall terminate on 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A and B, dated May 8, 1995, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Title)

05/15/1995

(Date)

/s/ Ken R. Drew

(Signature of Authorized
Officer)

Area Manager

(Title)

05/30/1995

(Effective Date of Grant)

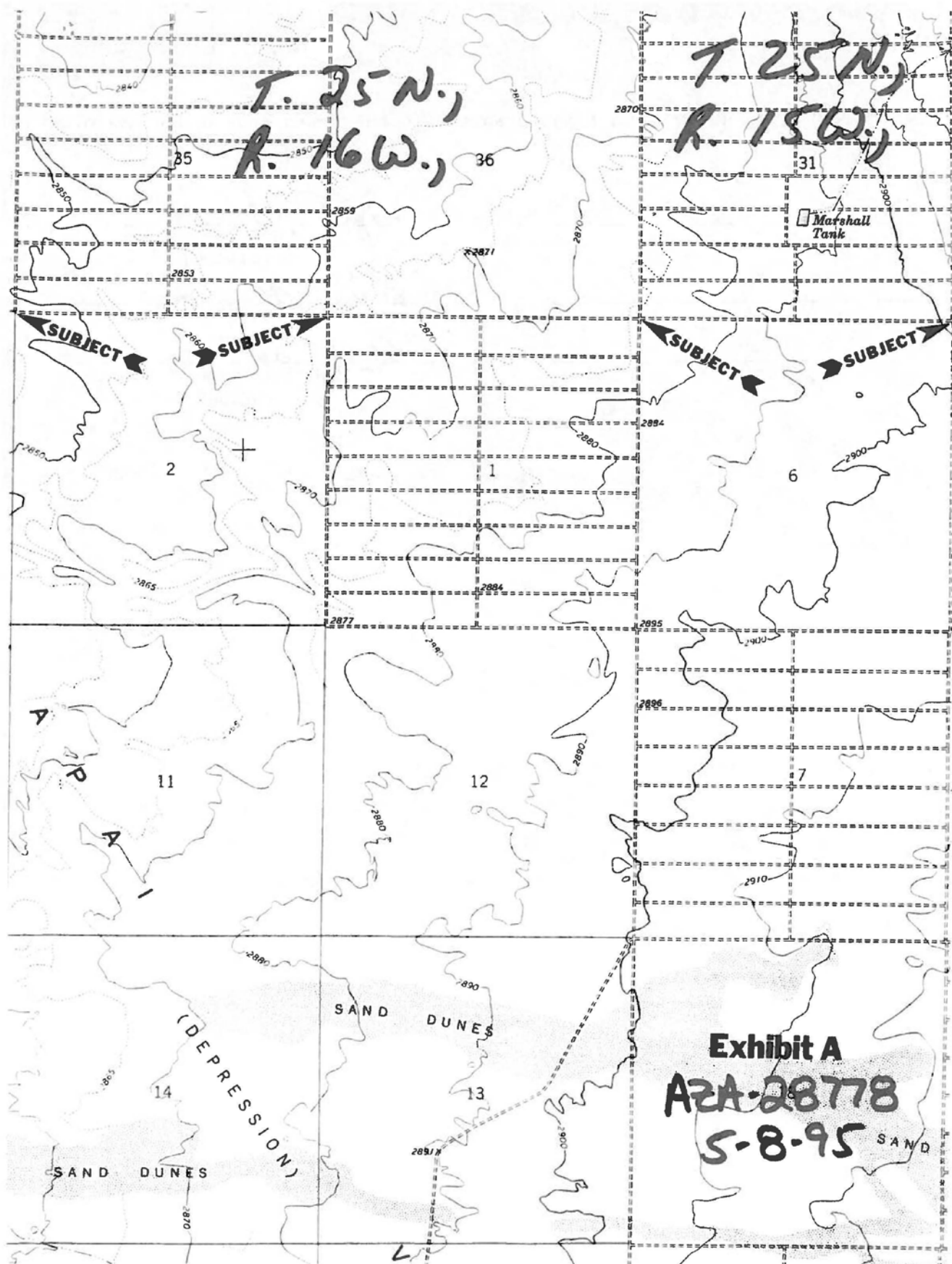


EXHIBIT B

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
4. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
5. The holder shall contact the authorized officer at least 14 days prior to the anticipated start of construction and/or any surface disturbing activities.

6. Holder shall remove only the minimum amount of vegetation necessary 'for the construction of the road.
7. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All waste material resulting from construction or use of the site by holder shall be removed from the site.
8. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
9. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted.
10. The holder shall install a cattle guard in the fence line between sections 1 and 31. A gate will also be required beside the cattle guard.
11. The holder shall contact John Neal before any work is conducted on the cattle guard or fence line.
12. No construction activity is to take place between May 1 and August 1 without prior written approval from the authorized officer.